

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:20-cr-00487-M-2

Case No. 5:23-cv-00148-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN VILLILABOS MALAGA,

Defendant.

ORDER

Pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the court DIRECTS the United States Attorney to file an Answer pursuant to Rule 5 of the Rules Governing § 2255 Proceedings or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40) days** of the filing of this order. In its Answer or response, the Government shall address, *inter alia*, any issues of timeliness, waiver, or procedural default in accordance with prevailing law.

Within **thirty (30) days** after the Answer or other response is served, Petitioner may file a Reply pursuant to Rule 5(d) of the Rules Governing § 2255 Proceedings. In the Reply, Petitioner shall address all issues raised by the Government in the Answer or response.

SO ORDERED this 27th day of September, 2023.



RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE